

Docket No.: 50277-1646

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2005 JAN 18 AM 5:22

In re Application of : Confirmation No.: 4042  
GARY HALLMARK, et al. : Group Art Unit: 2171  
Serial No.: 09/757,399 : Examiner: Frantz Coby  
Filed: January 5, 2001

For: METHOD AND APPARATUS FOR IMPLEMENTING PARALLEL OPERATIONS IN  
A DATABASE MANAGEMENT SYSTEM

REQUEST FOR REFUND

Mail Stop 16  
Director of the US Patent and Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

An Amendment and Response for the above-referenced patent application was filed on September 30, 2004. A filing fee of \$704.00 was charged to Deposit Account No. 50-1302 for additional claims. The application previously paid for 72 Total Claims and 20 Independent Claims, as indicated by the enclosed No Fee Transmittal filed with the Amendment and Response on September 30, 2004.

Enclosed are the Official Filing Receipt, which states 72 Total Claims and 10 Independent Claims were paid for, and the Fee Transmittal and copy of check paying for an additional 10 Independent Claims filed on October 17, 2002. It is shown that 72 Total Claims and 20 Independent Claims have been previously paid. Therefore, there should be no additional claims fee for the present 56 Total Claims and 18 Independent Claims pending in the referenced patent application.

Serial No.: 09757,399

It is requested that the amount of \$704.00 be refunded and credited to Deposit Account No. 50-1302 in the referenced patent application.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP



Christopher J. Brokaw  
Reg. No. 45,620

Date: January 10, 2005

2055 Gateway Place, Suite 550  
San Jose, California 95110-1089  
Tel: (408) 414-1080  
Fax: (408) 414-1076

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop 16, Director of the US Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450.

on

Jan. 10, 2005

by

Trudy Bagdon  
Trudy Bagdon

# NO FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.  
Small Entity payments must be supported by a small entity statement,  
otherwise large entity fees must be paid. See Forms PTO/SB/09-12  
See 37 C.F.R. §§ 1.27 AND 1.28

TOTAL AMOUNT OF PAYMENT (\$ ) 0.00

## Complete if Known

Application Number 09/757,399  
Filing Date January 5, 2001  
First Named Inventor GARY HALLMARK  
Examiner Name FRANTZ COBY  
Group/Art Unit 2171  
Attorney Docket No. 50277-1646

## METHOD OF PAYMENT (check one)

1. ☒ Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302. A duplicate of this sheet is enclosed.

Deposit Account Number 50-1302

Deposit Account Name Hickman Palermo Truong & Becker, LLP

2. ☐ Payment Enclosed:

☐ Check ☐ Money Order ☐ Other

3. Applicant(s) is entitled to small entity status.  
See 37 CFR 1.27.

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description        | Fee Paid |
|-----------------------|-----------------------|-----------------------|-----------------------|------------------------|----------|
| 1001                  | 770                   | 2001                  | 385                   | Utility filing fee     |          |
| 1002                  | 340                   | 2002                  | 170                   | Design filing fee      |          |
| 1003                  | 530                   | 2003                  | 265                   | Plant filing fee       |          |
| 1004                  | 770                   | 2004                  | 385                   | Reissue filing fee     |          |
| 1005                  | 160                   | 2005                  | 80                    | Provisional filing fee |          |

SUBTOTAL (1) (\$ ) 0.00

### 2. EXTRA CLAIM FEES

| Total Claims | Highest Paid Claims | Extra Claims | Fee from Below | Fee Paid |
|--------------|---------------------|--------------|----------------|----------|
| 56           | -72 =               | 0            | 18.00          | 0.00     |
| 18           | -20 =               | 0            | 86.00          | 0.00     |

Multiple Dependent

\*\*or number previously paid, if greater; For Reissues, see below

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description   |
|-----------------------|-----------------------|-----------------------|-----------------------|---|
| 1202                  | 18                    | 2202                  | 9                     | Claims in excess of 20                                    |
| 1201                  | 86                    | 2201                  | 43                    | Independent claims in excess of 3                         |
| 1203                  | 290                   | 2203                  | 145                   | Multiple dependent claim, if not paid                     |
| 1204                  | 86                    | 2204                  | 43                    | **Reissue independent claims over original patent         |
| 1205                  | 18                    | 2205                  | 9                     | **Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ ) 0.00

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description  | Fee Paid |
|-----------------------|-----------------------|-----------------------|-----------------------|--|----------|
| 1051                  | 130                   | 2051                  | 65                    | Surcharge - late filing fee or oath  |          |
| 1052                  | 50                    | 2052                  | 25                    | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053                  | 130                   | 1053                  | 130                   | Non-English specification  |          |
| 1812                  | 2,520                 | 1812                  | 2,520                 | For filing a request for reexamination                                     |          |
| 1804                  | 920*                  | 1804                  | 920*                  | Requesting publication of SIR prior to Examiner action                     |          |
| 1805                  | 1,840*                | 1805                  | 1,840*                | Requesting publication of SIR after Examiner action                        |          |
| 1251                  | 110                   | 2251                  | 55                    | Extension for reply within first month                                     |          |
| 1252                  | 420                   | 2252                  | 210                   | Extension for reply within second month                                    |          |
| 1253                  | 950                   | 2253                  | 475                   | Extension for reply within third month                                     |          |
| 1254                  | 1,480                 | 2254                  | 740                   | Extension for reply within fourth month                                    |          |
| 1255                  | 2010                  | 2255                  | 1005                  | Extension for reply within fifth month                                     |          |
| 1401                  | 330                   | 2401                  | 165                   | Notice of Appeal   |          |
| 1402                  | 330                   | 2402                  | 165                   | Filing a brief in support of an appeal                                     |          |
| 1403                  | 290                   | 2403                  | 145                   | Request for oral hearing   |          |
| 1451                  | 1,510                 | 1451                  | 1,510                 | Petition to institute a public use proceeding                              |          |
| 1452                  | 110                   | 2452                  | 55                    | Petition to revive - unavoidable   |          |
| 1453                  | 1330                  | 2453                  | 665                   | Petition to revive - unintentional   |          |
| 1501                  | 1330                  | 2501                  | 665                   | Utility issue fee (or reissue)   |          |
| 1502                  | 480                   | 2502                  | 240                   | Design issue fee   |          |
| 1503                  | 640                   | 2503                  | 320                   | Plant issue fee  |          |
| 1460                  | 130                   | 1460                  | 130                   | Petitions to the Commissioner  |          |
| 1807                  | 50                    | 1807                  | 50                    | Petitions related to provisional applications                              |          |
| 1806                  | 180                   | 1806                  | 180                   | Submission of information Disclosure Stmt                                  |          |
| 8021                  | 40                    | 8021                  | 40                    | Recording each patent assignment per property (times number of properties) |          |
| 1809                  | 770                   | 2809                  | 385                   | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 1810                  | 770                   | 2810                  | 385                   | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| Other fee (specify)   |                       |                       |                       |  |          |
| Other fee (specify)   |                       |                       |                       |  |          |

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 0.00

## SUBMITTED BY

Name (Print/Type) CHRISTOPHER J. BROKAW

Registration No. (Attorney/Agent) 45,620

Telephone (408) 414-1080

Signature

Date September 30, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231.  
DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Non Fee Amend, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

OID1993-06-CON2-R

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BOH/CF



# UNITED STATES PATENT AND TRADEMARK OFFICE

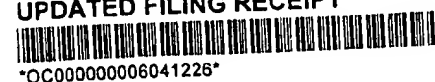
COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

2005 JAN 18 AM 5:22

| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLAIMS | IND CLAIMS |
|--------------------|-------------|--------------|---------------|-----------------|----------|------------|------------|
| 09/757,399         | 01/05/2001  | 2171         | 2336          | 50277-1646      | 36       | 72         | 10         |

CONFIRMATION NO. 4042

UPDATED FILING RECEIPT



\*OC00000006041226\*

Hickman Palermo Truong & Becker LLP  
1600 Willow Street  
San Jose, CA 95125

Date Mailed: 05/04/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Gary Hallmark, Portland, OR;  
Daniel Leary, New Ipswich, NH;

**Domestic Priority data as claimed by applicant**

THIS APPLICATION IS A REI OF 08/898,080 07/21/1997 PAT 5,857,180  
WHICH IS A CON OF 08/441,527 05/15/1995 ABN  
WHICH IS A CON OF 08/127,585 09/27/1993 ABN

**Foreign Applications**

If Required, Foreign Filing License Granted 02/12/2001

Projected Publication Date: N/A

Non-Publication Request: No

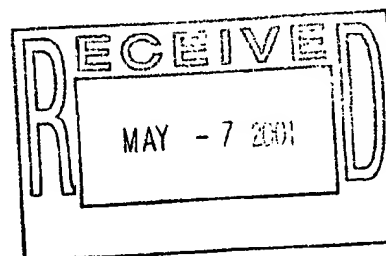
Early Publication Request: No

**Title**

Method and apparatus for implementing parallel operations in a database management system

Preliminary Class

707



ENTRY  
DATA  
BASE

DOCKETED

DATES:

5/8/01

k

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Data entry by : RAWLS, ROXANNE

Team : OIPE

Date: 05/04/2001



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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

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No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
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# FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.  
Small Entity payments must be supported by a small entity statement,  
otherwise large entity fees must be paid. See Forms PTO/SB/09-12.  
See 37 C.F.R. §§ 1.27 AND 1.28

TOTAL AMOUNT OF PAYMENT (\$ 840.00)

## Complete if Known

Application Number 09/757,399  
Filing Date January 5, 2001  
First Named Inventor Gary HALLMARK  
Examiner Name Coby, F.  
Group/Art Unit 2171  
Attorney Docket No. 50277-1646

## METHOD OF PAYMENT (check one)

1. ☒ Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302. A duplicate of this sheet is enclosed.

Deposit Account Number 50-1302

Deposit Account Name Hickman Palermo Truong & Becker, LLP

2. ☒ Payment Enclosed:  
☒ Check ☐ Money Order ☐ Other

3. ☐ Applicant(s) is entitled to small entity status.  
See 37 CFR 1.27

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description        | Fee Paid |
|-----------------------|-----------------------|-----------------------|-----------------------|------------------------|----------|
| 101                   | 740                   | 201                   | 370                   | Utility filing fee     | 0.00     |
| 106                   | 330                   | 208                   | 165                   | Design filing fee      |          |
| 107                   | 510                   | 207                   | 255                   | Plant filing fee       |          |
| 108                   | 740                   | 208                   | 370                   | Reissue filing fee     |          |
| 114                   | 160                   | 214                   | 80                    | Provisional filing fee |          |

SUBTOTAL (1) (\$ 0.00)

### 2. EXTRA CLAIM FEES

| Total Claims | Extra Claims | Fee from Below | Fee Paid |
|--------------|--------------|----------------|----------|
| 57           | -72**= 0     | 18.00          | 0.00     |
| 20           | -10**= 10    | 84.00          | 84.00    |

Multiple Dependent

\*\*or number previously paid, if greater; For Reissues, see below

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description   |
|-----------------------|-----------------------|-----------------------|-----------------------|---|
| 103                   | 18                    | 203                   | 9                     | Claims in excess of 20                                    |
| 102                   | 84                    | 202                   | 42                    | Independent claims in excess of 3                         |
| 104                   | 280                   | 204                   | 140                   | Multiple dependent claim, if not paid                     |
| 109                   | 84                    | 209                   | 42                    | **Reissue independent claims over original patent         |
| 110                   | 18                    | 210                   | 9                     | **Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ 84 0.00)

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description  | Fee Paid |
|-----------------------|-----------------------|-----------------------|-----------------------|--|----------|
| 105                   | 130                   | 205                   | 65                    | Surcharge - late filing fee or oath  |          |
| 127                   | 50                    | 227                   | 25                    | Surcharge - late provisional filing fee or cover sheet.                    |          |
| 139                   | 130                   | 139                   | 130                   | Non-English specification  |          |
| 112                   | 920*                  | 112                   | 920*                  | Requesting publication of SIR prior to Examiner action                     |          |
| 113                   | 1,840*                | 113                   | 1,840*                | Requesting publication of SIR after Examiner action                        |          |
| 115                   | 110                   | 215                   | 55                    | Extension for reply within first month                                     |          |
| 116                   | 400                   | 216                   | 200                   | Extension for reply within second month                                    |          |
| 117                   | 920                   | 217                   | 460                   | Extension for reply within third month                                     |          |
| 118                   | 1,440                 | 218                   | 720                   | Extension for reply within fourth month                                    |          |
| 128                   | 1,980                 | 228                   | 980                   | Extension for reply within fifth month                                     |          |
| 119                   | 320                   | 219                   | 160                   | Notice of Appeal   |          |
| 120                   | 320                   | 220                   | 160                   | Filing a brief in support of an appeal                                     |          |
| 121                   | 280                   | 221                   | 140                   | Request for oral hearing   |          |
| 138                   | 1,510                 | 138                   | 1,510                 | Petition to institute a public use proceeding                              |          |
| 140                   | 110                   | 240                   | 55                    | Petition to revive - unavoidable   |          |
| 141                   | 1,280                 | 241                   | 640                   | Petition to revive - unintentional   |          |
| 142                   | 1,280                 | 242                   | 640                   | Utility issue fee (or reissue)   |          |
| 143                   | 460                   | 243                   | 230                   | Design issue fee   |          |
| 144                   | 620                   | 244                   | 310                   | Plant issue fee  |          |
| 122                   | 130                   | 122                   | 130                   | Petitions to the Commissioner  |          |
| 123                   | 50                    | 123                   | 50                    | Petitions related to provisional applications                              |          |
| 126                   | 180                   | 126                   | 180                   | Submission of information Disclosure Stmt                                  |          |
| 581                   | 40                    | 581                   | 40                    | Recording each patent assignment per property (times number of properties) |          |
| 146                   | 690                   | 246                   | 345                   | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 149                   | 690                   | 249                   | 345                   | For each additional invention to be examined (37 CFR § 1.129(b))           |          |

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

SUBTOTAL (3) (\$ 0.00)

\*Reduced by Basic Filing Fee Paid

Complete (if applicable)

SUBMITTED BY

Name (Print/Type)

Christopher J. Brokaw

Signature

Registration No. (Attorney/Agent)

45,620

Telephone

(408) 414-1080

Date

Oct 17, 2002

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HICKMAN PALERMO TRUONG & BECKER LLP

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SAN JOSE, CA 95113  
90 4228 1211

PAY TO THE  
ORDER OF

Commissioner for Patents

\$840<sup>00</sup>~~00~~

DOLLARS

*Eight hundred and forty and <sup>00</sup>/<sub>100</sub>*

MEMO

50277-1646

⑈001943⑈ ⑆121142287⑆ 001566660⑈

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Commissioner for Patents

50277-1646

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10/17/02

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PTO PAYMENT ACCOUNT

1943





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2171/8  
10/D  
11/6/02  
120 Roy

In re application of:

Confirmation No. 4042

GARY HALLMARK and DANIEL LEARY

Group Art Unit No.: 2171

Serial No.: 09/757,399

Examiner: F. Coby

Filed on: January 5, 2001

For: METHOD AND APPARATUS FOR IMPLEMENTING PARALLEL OPERATIONS IN  
A DATABASE MANAGEMENT SYSTEM

This is a Reissue Application based on U.S. Patent No. 5,857,180  
issued January 5, 1999

RECEIVED

OCT 24 2002

Technology Center 2100

Commissioner for Patents

Adjustment date: 11/30/2004 HSMITH1 00000001 501302 09757399  
01 FC:1201 704.00 CR

AMENDMENT AND RESPONSE

Sir:

This is in response to the Office Action mailed July 17, 2002, the shortened statutory period for which runs until October 17, 2002. Please revise the subject application as indicated below. The Applicants respectfully request entry of the following amendments and reconsideration of the application in light of the following remarks.

IN THE CLAIMS

Please amend Claims 27, 29, 30, 31, 33, 35-37, 44, 63, 65 - 73, and 80 as shown below. Please cancel Claims 20-26 and 56-62. Accordingly, Claims 27-52 and 63-88 are pending in the present reissue application. Attached hereto is a marked-up version of the claims that indicate that differences between the current set of claims and the claims of the parent issued patent

Docket No. 50277-1646

Adjustment date: 02/25/2005 SDIRETA2  
10/23/2002 AADOF01 00000057 09757399  
01 FC:1201 -840.00 OP

02/25/2005 SDIRETA1 00000001 09757399  
01 FC:1204 840.00 OP

10/23/2002 AADOF01 00000057 09757399  
01 FC:1201 840.00 OP